

REMARKS

Claims 1, 4-7, 10-14, 16, 17, 20, 21, 23, 24, and 26 are pending, with claims 1, 7, 13, 17, 21, and 24 being independent. Claims 1, 7, 13, 17, 21, and 24 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Rejections under 35 U.S.C. 102 & 103

Claims 1, 4-7, 10-12, 17, 20, 21, 23, 24, and 26 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cideciyan et al. (U.S. Patent No. 6,377,635) in view of Fisher et al. (U.S. Patent No. 6,249,398). Claims 13 and 14 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Cideciyan et al. (U.S. Patent No. 6,377,635). Claim 16 stands rejected under 35 U.S.C. 103 as allegedly being anticipated by Cideciyan in view of McEwen et al. (U.S. Patent No. 6,366,418). These contentions are respectfully traversed.

Examiner Fotakis is thanked for the interviews, which were conducted with Mr. Hunter on November 17th and 18th, 2009. During the interviews, the present application, the Cideciyan reference, and a proposed amendment to claims 1, 7, 13, 17, 21, and 24 were discussed. Agreement was reached that this proposed amendment would overcome the current rejections, but would require further search. Without conceding any of the points made by the Office in the Final Office Action dated September 8, 2009, or in the Advisory Action dated November 23, 2009, and in order to expedite prosecution, the previously proposed amendments are made herein. Thus, the rejections of all the pending claims should be withdrawn, and all of the pending claims should be in condition for allowance.

CONCLUSION

The foregoing comments made with respect to the positions taken by the Office are not to be construed as acquiescence with other positions of the Office that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the present response, all of the claims should be in condition for allowance. A formal notice of allowance is respectfully requested.

Please apply any necessary charges or credits, to deposit account 06-1050.

Respectfully submitted,

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William E. Hunter
William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer No.:26200

Telephone: (858) 678-5070
Facsimile: (877) 769-7945